

SUMMARY OF ORDINANCE NO. 2049

AN ORDINANCE AMENDING CHAPTER 11.50 OF TITLE 11 OF THE SAN RAFAEL MUNICIPAL CODE, TITLED PUBLIC WORKS CONTRACT POLICY

This Summary concerns a proposed ordinance of the City of San Rafael, designated as Ordinance No. 2049, which will amend Chapter 11.50 of the San Rafael Municipal Code. Ordinance No. 2049 is scheduled for adoption by the San Rafael City Council at its regular meeting of May 19, 2025. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

An ordinance is proposed to amend Chapter 11.50, as follows: establishing that the City Council's delegation of award authority for contracts awarded through informal bidding procedures rests with the City Manager, or their designee; and clarifying requirement for available budget appropriations for multi-year public works maintenance contracts.

Copies of Ordinance No. 2049 are available for public review on the City's website: <https://www.cityofsanrafael.org>. You may also contact the City Clerk at (415) 485-3066 for information.

LINDSAY LARA
San Rafael City Clerk
Dated: 5/9/25

ORDINANCE NO. 2049

AN ORDINANCE AMENDING CHAPTER 11.50 OF TITLE 11 OF THE SAN RAFAEL MUNICIPAL CODE, TITLED PUBLIC WORKS CONTRACT POLICY

WHEREAS, Chapter 11.50 of the San Rafael Municipal Code (“SRMC”) sets forth the City of San Rafael’s public works contract policy, which includes separate bidding and award procedures for “minor contracts” and “major contracts”; and

WHEREAS, City’s public works contract policy, provides that no public works contract shall be awarded without sufficient available budget appropriations within the account to which the contract is to be charged; and the City Council desires to amend the policy to include requirements for multi-year contracts where funding is provided annually through the budget process; and

WHEREAS, under the City’s policy, “minor contracts” as defined, follow and informal bidding procedure and may be awarded by the Director of Public Works, and do not require City Council award; and

WHEREAS, the City Council desires to amend the policy’s contract award language to provide that award authority for “minor contracts, as defined, rests with the City Manager or their designee; and

WHEREAS, this Ordinance was introduced and read by title only at a duly-noticed public meeting of the San Rafael City Council on the 5th day of May 2025.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. Chapter 11.50 of Title 11 of the Municipal Code of the City of San Rafael is hereby amended as follows. Additions are shown in underline and deletions in ~~strikethrough~~.

Chapter 11.50 – PUBLIC WORKS CONTRACT POLICY

11.50.040 Encumbrance of funds.

No public works contract shall be approved for public works unless there exists an unencumbered appropriation in the fund account against which said contract is to be charged. Multi-year maintenance contracts where appropriations are provided on an annual basis shall be awarded subject to future budget appropriations.

11.50.110 Contract award.

- C. Awarding Authority. Bids on major contracts shall be awarded by the city council. Bids on minor contracts may be awarded by the ~~director~~ city manager or their designee.

DIVISION 2.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Codes hereby adopted are hereby repealed.

DIVISION 3.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 4.

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

DIVISION 5.

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall be in full force and effect 30 days after its adoption. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Council members voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 5th day of May 2025, and was passed and adopted at a regular meeting of the San Rafael City Council on the 19th day of May 2025 by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Kate Colin, Mayor

Attest:

LINDSAY LARA, City Clerk